

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 13, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 97od-308

OAHU

Approval in Principle to Set Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Waimanalo Forest Reserve Purposes; Rescind Prior Approval dated June 26, 1992, Item F-9; Authorize the Division of Forestry and Wildlife to Conduct an After-the-fact Public Hearing Relating to Waimanalo Forest Reserve; at Kailua, Kaneohe, and Waimanalo, Koolaupoko, Oahu, Tax Map Key (1) 4-1-008:013, 4-1-010:074, 091 & 093, 4-2-005:001, and 4-2-010:portion of 001

APPLICANT:

Department of Land and Natural Resources, Division of Forestry and Wildlife

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-008:013, 4-1-010:074, 091 & 093, 4-2-005:001, 4-2-010:portion of 001, as shown on the attached map labeled Exhibit A.

AREA:

(1) 4-1-008:013	362.192	Acres;
(1) 4-1-010:074	33.553	Acres;
(1) 4-1-010:091	1.000	Acres;
(1) 4-1-010:093	59.000	Acres;
(1) 4-2-010:portion of 001	1,544.538	Acres,
Total		2,000.283 Acres, more or less.

Exact area to be determined by the Department of Accounting and General Services, Survey Division.

[Note: (1) 4-2-005:001 has been set aside pursuant to Governor's Executive Order No. 3652. Therefore, its area is not included in this section. See Remarks Section relating to (1) 4-2-005:001.]

ZONING:

State Land Use District:	Agriculture and Conservation
City & County of Honolulu LUO:	AG-2 and P-1

TRUST LAND STATUS:

(1) 4-1-008:013, 4-2-010:074, 091, & 093
Section 5(b) lands of the Hawaii Admission Act

(1) 4-2-010:001
Acquired after Statehood, i.e. non-ceded

All parcels
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Waimanalo Forest Reserve Purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant and Land Division will provide survey maps and descriptions according to State DAGS standards.

REMARKS:

On June 26, 1992, under agenda item F-9, the Board approved to recommend to the Governor the issuance of an executive order setting aside State lands in Waimanalo and Maunawili to Division of Forestry and Wildlife (DOFAW) for Waimanalo Forest Reserve purposes. A copy of the 1992 approved submittal is attached as Exhibit B. State lands involved in 1992 also included some lands owned by the Department of Hawaiian Home Lands (DHHL). DOFAW planned to enter into a license agreement with DHHL relating to designating their land for forest reserve purpose. Subsequently, staff noted that DHHL

has its own rules pertaining to managing forest reserves. Staff decided that there was no need for DOFAW to manage the forest reserve owned by DHHL. The 1992 approval should be amended to address the non-DHHL lands only. Due to a lot of staff movement, the request for other non-DHHL parcels was inadvertently misplaced.

Recently, staff discussed the subject request with DOFAW and both divisions agreed that we should move this request forward.

This request covers only the non-DHHL parcels mentioned in the 1992 approval. DOFAW has reviewed the list of parcels to be transferred to them and has no objection to the request in principle. Prior to the transfer, Land Division staff will continue to work with DOFAW in ensuring the smooth transfer, including installation of fencing along a portion of the boundary for (1) 4-1-008:013 to control unauthorized access, assisting in the preparation of the map and description required for this disposition, and assisting in the clean-up of the illegal dumping site(s), if necessary.

A portion of (1) 4-2-010:001 is encumbered by Revocable Permit No.7242 (RP) issued to Luluku Banana Growers Co-operative for cultivation of banana. DOFAW inspected the RP area and met with the farmers. The farmers want to continue the farming activities, and wish to pass on their agricultural operations to their children. The farmers' plan is not consistent with the intent of the Forest Reserve System. Therefore, the RP area is excluded from the proposed set aside.

Further, (1) 4-2-010:001 and other parcels were originally covered in the Governor's Proclamation dated January 3, 1923 as the Waimanalo Forest Reserve. For housekeeping purposes, staff recommends the Board document the designation of the subject area of (1) 4-2-010:001 as a forest reserve pursuant to a Governor's executive order.

Land Division and DOFAW will work with the Department of Accounting and General Services, Survey Division to prepare the necessary map, and a Conservation District Use Application, if necessary. Subject to the outcome of the map work, staff may recommend the Board revise the boundary for RP 7242 at a later date.

The proposed use by DOFAW is appropriate for the subject parcels and is considered to be the best and highest use of these undeveloped watershed lands.

Staff did not solicit comments from other agencies on this request because it is basically a housekeeping matter seeking to follow-up on the 1992 action.

Furthermore, DOFAW is required to conduct a public hearing regarding the proposed set-aside to Waimanalo Forest Reserve. Staff is unaware of further pertinent issues or concerns, and Board authorization is hereby requested.

Further, on October 14, 1994, under agenda item no. F-9, the Board approved a settlement agreement between the State of Hawaii and Asahi Kanko U.S.A. Inc. relating to lands at Olomana, Kailua, Koolaupoko District. As part of the settlement agreement,

parcel (1) 4-2-005:001 was to be added to Waimanalo Forest Reserve, with the additional overlay designating the parcel as part of the Mount Olomana State Monument as mandated by Hawaii Revised Statutes Chapter 6E-32.5. Though this set aside was formally executed via Governor's Executive Order No. 3652, dated April 26, 1995, neither the Land Division or DOFAW can find record of an associated public hearing relating to this proposed forest reserve addition. As such, staff recommends that the Board approve an after-the-fact public hearing to add parcel (1) 4-2-005:001 to the Forest Reserve System to correct the record on that transaction.

Upon conclusion of the public hearing, staff will return to the Board for a formal approval on the proposed set aside.

RECOMMENDATION:

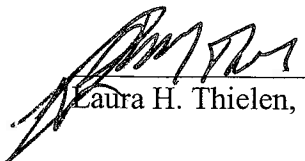

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve in principle the set aside of parcels (1) 4-1-008:013, (1) 4-1-010:074, 091, 093 and (1) 4-2-010:portion of 001 comprising approximately 2,000.283 acres to the Division of Forestry and Wildlife, and the addition of parcels (1) 4-1-008:013, (1) 4-1-010:074, 091 & 093 at Kailua, Kaneohe, and Waimanalo to Waimanalo Forest Reserve under provisions of HRS §183-11, Government Land for Forest Reserves and §183-12, Notice of Hearing.
2. Authorize the Division of Forestry and Wildlife to conduct an after-the-fact public hearing regarding the proposed addition of parcel (1) 4-2-005:001, comprising approximately 209.237 acres at Kailua, to the State Forest Reserve System, under provisions of HRS §183-11, Government Land for Forest Reserves and §183-12, Notice of Hearing.
3. Authorize the Chairperson to set the date and time for a public hearing, and appoint a Hearing Master.

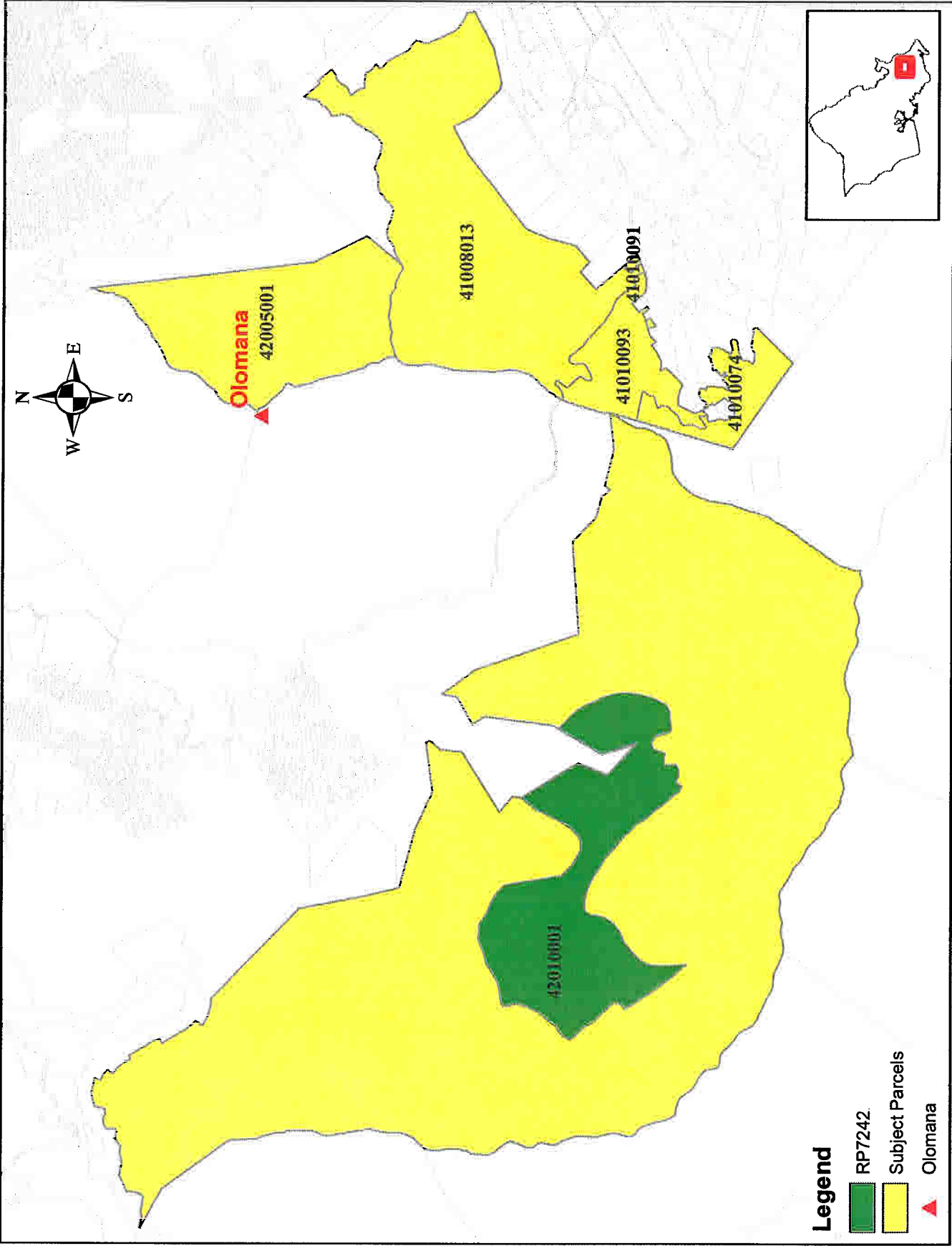
Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen, Chairperson 

Proposed Waimanalo Forest Reserve





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

June 26, 1992

Board of Land and
Natural Resources
Honolulu, Hawaii

OAHU

Subject: Set Aside of State Land for the Waimanalo Forest Reserve and Addition to the Waimanalo Forest Reserve, and Re-Designation of the Former Waimanalo Forest Reserve at Waimanalo, Koolau-poko, Oahu

STATUTE: Chapter 171, Hawaii Revised Statutes

APPLICANT: DIVISION OF FORESTRY AND WILDLIFE

- FOR:
- (1) Set Aside by Executive Order of +1,934 acres contained in Parcel 1 of TMK: 4-2-10 as the Waimanalo Forest Reserve;
 - (2) Set Aside by Executive Order of +410 acres contained in Parcel 13 of TMK: 4-1-08, Parcel 93 (Portion), as the addition to the Waimanalo Forest Reserve of TMK: 4-1-10, and Parcel 74 (Portion) of TMK: 4-1-10;
 - (3) Re-designation of the former Waimanalo Forest Reserve comprised of +1,500 acres contained in Parcel 1 of TMK: 4-1-11 and Parcels 8 and 15 of TMK: 4-1-14 as the Waimanalo Forest Reserve.

LOCATION &
AREA:

<u>TMK</u>	<u>Land Title</u>	<u>Encumbrance</u>	<u>Proposed Use</u>	<u>Acres</u>
4-1-8:13	5-B	DLNR unencumbered	Addition to Wai-manalo F.R.	366.931
4-1-10:93 (Por.)	5-B	DLNR RP S-6625 (Williams)	Addition to Wai-manalo F.R.	+20
4-1-10:74 (Por.)	5-B	DLNR unencumbered	Addition to Wai-manalo F.R.	+20
4-1-11:1		DHHL	Waimanalo F.R.	1305.583
4-1-14:8		DHHL	Waimanalo F.R.	106.83
4-1-14:15		DHHL HHL GL 181 (Teixeira)	Waimanalo F.R.	82.735
4-2-10:1	5-A	DLNR unencumbered	Waimanalo F.R. (Maunawili Sec.)	1934.538

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

June 26, 1992

ITEM F-9

EXHIBIT "B"

Board of Land and
Natural Resources

June 26, 1992

Approximately +3,836.617 acres (Exact area to be determined by the Department of Accounting & General Services, Survey Division)

ZONING: State Land Use Commission: Agriculture/
Conservation
City & County of Honolulu Development Plan:
Agriculture/Preservation
City & County of Honolulu Zoning:
Agriculture/Preservation

CONSIDERATION: Gratis

EIS REQUIRE-
MENTS: Currently being completed by applicant

REMARKS: DLNR proposes to redesignate State lands in the Koolau-poko District as the Waimanalo State Forest Reserve. The proposed Forest Reserve includes parcels previously delineated as the Waimanalo Forest Reserve, and in addition a portion of State owned land on the east flank of Olomana. By doing so, the resources of this area will be comprehensively managed by the Division of Forestry and Wildlife. As a Forest Reserve the area would benefit from management activities that include protection and enhancement in: watershed, fire prevention, erosion control, forest management, unique native plant and animal habitat, and public recreation through the Na Ala Hele (NAH) trail and access program.

The goal is to increase the State's ability to manage and enhance forested watershed areas by placing them directly under the jurisdiction of the Division directed by statute to do so. Chapter 183 (HRS) directs DOFAW to devise ways and means of protecting, extending, increasing and utilizing the forests. Also, the State Recreation Functional Plan (DLNR, 1990) has indicated that it is desirable to emphasize activities away from the beaches in order to reduce the impact on these areas, and that the demand for hiking and related activities are likely to grow. DOFAW includes recreation in the management strategies for Forest Reserves.

The objective is to proactively manage this area by assessing the resource management needs, perform necessary tasks for fire prevention and suppression, and to increase the potential for public recreation in this area. The proposed Koolau-poko trail complex, as described in the NAH Program Plan (DLNR, 1991), is comprised of a series of trails to be located in the environs of the Maunawili Valley and Olomana. The NAH program has completed the first three miles of the Maunawili Demonstration Trail, and as of May, 1992, has started

construction of the next two miles. Redesignation of the Waimanalo Forest Reserve will facilitate the NAH program's ability to explore the possibility of trail linkages to areas adjacent to Olomana and the Waimanalo community. This also expedites NAH's ability to foster equestrian trail recreation in an area that is not only environmentally suitable for equestrian activities, but also adjacent to State's highest concentration of equestrian owners.

The Maunawili portion of the project area was condemned by the State for watershed protection: State vs. Castle, et al., Civ. No. 86-3057, First Circuit. The remaining area, excluding the DHHL lands, are owned by the State. A portion of the area is also under a revocable permit for pasture to Stanley E. Williams, Jr. (RP No. S-6625). The area proposed for use has a very steep terrain located approximately between the ridgeline and the existing ditch. We will withdraw the area from the permit.

Because the former Waimanalo Forest Reserve is owned by the Department of Hawaiian Home Lands, and we cannot legally set aside DHHL lands, we recommend that the BLNR designate the area as a Forest Reserve subject to finalizing an agreement with DHHL. This is intended to allow DOFAW to manage and control activities in the entire area using the existing DOFAW Rules and Regulations.

We have not yet secured a written agreement with DHHL to use their lands. We have, however, discussed this with the DHHL staff and they had no objections with the understanding that this will be subject to us reaching some type of agreement, between the two departments, on the future use of the property (i.e., lease or surrender agreement).

RECOMMENDATION:

That the Board of Land and Natural Resources:

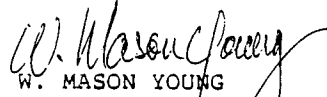
- A. Authorize the withdrawal of approximately 20 acres from Revocable Permit No. S-6625 to Stanley E. Williams.
- B. Approve and recommend to the Governor the issuance of an executive order (set aside) for:
 1. Waimanalo Forest Reserve (Maunawili Section)
 2. Addition to the Waimanalo Forest Reserve, subject to the following conditions:
 1. Review and approval of the set aside documents by the Attorney General's Office.
 2. Other terms and conditions as may be prescribed by the Chairperson.

Board of Land and
Natural Resources

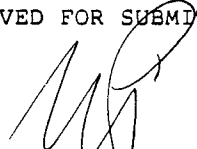
June 26, 1992

- C. Re-designate the former Waimanalo Forest Reserve situated on DHHL lands as the Waimanalo Forest Reserve subject to the following:
 - 1. Finalization of an agreement to use the area between DHHL (landowner) and DLNR (user).
 - 2. Other terms and conditions as may be prescribed by the Chairperson.
- D. Grant immediate right of entry for the State (DLNR) owned lands to DOFAW to facilitate their management of the area subject to our standard right of entry conditions.

Respectfully submitted,


W. MASON YOUNG
Land Management Administrator

APPROVED FOR SUBMITTAL:


WILLIAM W. PATY, Chairperson